

~~Shirley~~
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2007 APR 10 P 12:40

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor for }
Ruth H. LEWIS, Estate }
Plaintiff(S) }

VS.

MODERN WOODMEN OF AMERICA }
et al }
Defendant(S) }

CIVIL ACTION NO.

3:07-CV-138-MHT-WC

Motion for Summary Judgement by Plaintiff(S) in
response to Motion to DISMISS by Defendant(S)

Plaintiff(S) Pursuant to RULE 56 of the federal Rules
of CIVIL procedure, Moves the court to enter Summary
Judgement for the Plaintiff(S) on the grounds that there
is no genuine issue as to any material fact, and the
Plaintiff(S) is entitled to Judgement as a matter of Law

In Support of this motion, Plaintiff(S) refers to
the record in this action, including the Complaint,
The answer to it and Plaintiff(S) attached Affidavit
and Exhibit "A".

by ^{Alonzo Austin, Pro Se} ~~Alonzo Austin, Pro Se~~
ALONZO AUSTIN
1321 Oliver-Carlis Rd.
Tuskegee, AL 36083
Ph# (334) 727-5476

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor, for
RUTH H. LEWIS, Estate
Plaintiff(s)

VS.

MODERN WOODMEN OF AMERICA
et al,

Defendant(s)

CIVIL ACTION NO.

3:07-CV-138-MHT-WC

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DEBRA P. HACKETT
U.S. DISTRICT COURT
MIDDLE DISTRICT ALABAMA

Affidavit in Support of Motion for Summary Judgment

STATE OF ALABAMA } ss:
COUNTY OF MACON }

ALONZO AUSTIN Who, being first duly Sworn,
deposes and Says:

1. I am ALONZO AUSTIN, and have personal
knowledge of the facts set forth.

This Affidavit is submitted in Support of the
Plaintiff(s) Motion for Summary Judgment,
for the purpose of Showing that there is in
this action no Genuine Issue as to any
Material fact, and that the Plaintiff(s)
is entitled to Judgment as a matter of Law.
As issue is Constitutional in Nature.

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2. Plaintiff(s) received an "official Notification" From Defendant(s) (KAY IVEY, TREASURER, STATE OF ALABAMA) Dated February 13, 2006

3. I was beside my Self I say my Interest on my Annuity Flash before my eyes What is This? I screamed to the top of my lungs. Angry is still not the word!!! Who does Kay IVEY, Thinks She is Scamming me, out of my interest for the year Fiscal, of 2006 and 1/2 of 2007, which is owed to me and I demand it as well as more information on the estate of Harold LOWE, and who was that and why was he on my account.

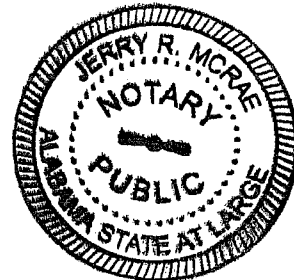
4. According to Mr. CHAD WRIGHT, Via Affidavit, Paragraph 2 States The Following Relevant facts regarding Mr. Austin's Assets were also included in the reports.

5th • \$1,258.10 was reported with an owner in the name of "THE ESTATE OF HAROLD LOWE.", Ms. Judy GACKLE 1st Affidavit Nor Does the 2nd AMENDED or Supplemental Affidavit Clear up this mess!! Actually it Raises more question than Answers so Conclusion: The Scheme entered into

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by these TWO Defendants MODERN WOODMEN OF AMERICA and KAY IVEY, "STATE TREASURER OF ALABAMA" has back fired exposing Fraud and Corruption with respect to MR LOWE and Plaintiff(S) interest in Combination with their Plan to Convert Plaintiff(S) Active Annuity, interest bearing account, in to a dormant one. Treating Plaintiff(S) interest bearing Annuity as of October 31, 2005 as ~~unclaimed~~ Funds. Please Give me a break "bottom line" Plaintiff(S), did NOT Sign the Waiver, to his Rights under the Contract with MODERN WOODMEN OF AMERICA and Absent of a Signed Waiver, by the Plaintiff(S), Means the issue before the Court is a Constitutional one. See Letter Attached as Exhibit "A" and dated August 3, 2005. (UNDER COLOR OF STATE LAW) by ~~Alanzo Quon, pro se~~ Alanzo Quon, pro se

Jerry R. McRae, Notary
Com. Expires 2-28-09



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Exhibit 'A'
copy

AUGUST 3, 2005
 ALONZO AUSTIN
 1321 OLIVER-CARLIS RD.
 MUSKOGEE, AL. 36083
 ATTN: LINDA J. KENDALL
 LEGAL DEPARTMENT
 MODERN WOODSMAN OF AMERICA
 1701 1st AVENUE
 P.O. Box 2005
 ROCK ISLAND IL 61204-2005
Via Certified mail

Dear: MS. KENDALL;
 Re: Ruth Harkless Lewis-Certificate # 6737108
 Reported Stolen by Agent and Beneficiary -
 EXC. ALONZO AUSTIN, (Please help me??)
 help you!!!

your Letter dated July 25, 2005 was
 Well received. Thanks For your Concerns
 However, I cannot in good Conscience
 Sign this Waiver as it is written!!!
 perhaps if it is modified, but only
 after the Cause of Death has truly
 been Legally established along with
 the date and place.

Finally because of the stated reasons
 given above I am unable to fill
 out the "Claimant's Statement"
 as required Prompting Payments of
 Certificate Proceeds. In Short AN
 investigation must be conducted which will
 delay further these Proceeds. which is
 the real Reason for the delay for Settlement!!!
 NOTE: AS I am without the Necessary Information!!!

CERTIFICATE OF SERVICE

I do hereby Certify that I have this
day Served a copy of the foregoing
Document upon.

Montgomery, AL 36130-2510

Attorney J. Michael Manasco
P.O. Box 2510
Montgomery, AL 36130-2510

*sent via
State house*

by depositing same in the U.S. Mail
postage prepaid on the 19th day of April, 2007

Alonzo Austin, prose
by Alonzo Austin, prose

ALONZO AUSTIN

1321 Oliver-Carlis Rd,

Tuskegee, AL 36083

Ph# (334) 727-5476